

REMARKS

Claims 1-50 were pending in the present application. By virtue of this response, claims 10-15, 20-22, 25, 39 and 44-50 have been cancelled, claims 1, 3, 16, 17, 19, 24, 31, 34, 37 and 38 have been amended, and new claims 51-64 have been added. Accordingly, claims 1-9, 16-19, 23, 24, 26-38, 40-43, and 51-64 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

The specification has been amended at 0026 and 0027, with the addition of the insufflation lumen in 0027 incorporated by reference from 10/797,485, and specifically from 0071 or 0131 of 10/797,485. New dependent claims 61-64 including insufflation are supported by amended paragraph 0027. The working lumen added into amended claim 1 and in new claims 52 and 60 is described at original 0027.

The working lumen is shown as element 16 in Figs. 1A- 1C, in contrast to the body lumen (such as a patient's gastro-intestinal tract) referred to in some of the claims. The new content in claim 19 comes from cancelled claim 20. The links added to claim 24 and in new claim 51 are described at 0027. The pivoting in amended claim 1, and the fixed position in amended claim 37 and new claim 60 is shown in Figs. 1A-1C and described at 0027. The position of the articulating element in front of the body in amended claim 38 and in new claim 58 is shown in Figs. 1A-1C and 3A-3C. The member and tools in new claims 51 and 55 are described respectively at 0027 and 0033.

An RCE is filed with this Amendment. Continued examination is requested.

Rejections under 35 U.S.C. §102(b)

Claims 1-50 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Moll (U.S. Patent No. 5,305,121).

In response, Moll, US Patent No. 5,305,121 describes an endoscope with no suggestion of a working lumen, as now included in claims 1, 35 and 52. The sheath 12 of the endoscope in Moll is virtually entirely filled up by the fiber bundle 20 and support rods 17. Accordingly, Moll does not suggest the claimed working lumen.

Regarding claim 18, in Moll the cameras 15 a and b are either pulled inside the sheath 12, as shown in Fig. 5, or they are deployed on the support rods 17. The cameras in Moll however, do not cover the opening of the lumen, as claimed. Indeed, there is no lumen to cover, and cameras in Moll are not positionable in any useable way at the opening. On the other hand, with reference to claim 18 and e.g., Fig. 5 of the application, the claimed apparatus allows a camera to initially be aimed in the direction of travel and parallel to the axis of the body (which helps the surgeon guide the apparatus to the site of interest). The camera, or other tool, can then be moved offaxis, uncovering the lumen opening, so that other objects (surgical tools, etc.) may pass out of the lumen.

Relative to claims 24, 31 and 51 in Moll, the support rods 17 are springs. Col. 3, lines 10-22. In contrast, these claims describe links, such as links 21 in Figs. 1A- 1C, and pivoting movement, about a pivot point, features absent from Moll. Similarly, Moll also does not suggest the fixed position relative to the body described in claims 37 and 60. Since the support arms in Moll are springs, the position of the cameras of course depends on how much force may be acting on the support arms. For example, even if the support arms 17 in Moll have a high spring constant, they would still deflect to some degree upon contact with surrounding tissue or other objects. This would move the image off-center. (A high spring constant would also make it very difficult to withdraw the cameras into the sheath as shown in Fig. 5). In contrast, with the claimed fixed position(s), the camera(s) is not easily deflected.

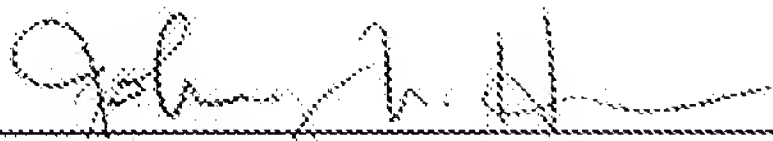
Regarding new claim 58, the advantages of having the tool remaining in front of the body are explained e.g., at 0032. In Moll on the other hand, the cameras are captive at seemingly random angles within the sheath, and are consequently useless until deployed. In comparison, the tool of claim 58 is useable in either position.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. USGINZ00700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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